

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK.**

SECURITIES AND EXCHANGE)	
COMMISSION,)	
)	
Plaintiff,)	
)	Civil Action No. 1:23-cv-09518-PAE-BCM
v.)	
)	
SOLARWINDS CORP. and TIMOTHY G.)	ORAL ARGUMENT REQUESTED
BROWN,)	
)	
Defendants.)	
)	

**DECLARATION OF SERRIN TURNER IN SUPPORT OF
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND MOTION
TO EXCLUDE THE TESTIMONY OF MARK G. GRAFF**

I, Serrin Turner, hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am a member of the law firm of Latham & Watkins LLP, 1271 Avenue of the Americas, New York, NY 10020, and admitted to practice before this Court in the above-captioned action.

2. I am counsel for SolarWinds Corp. ("SolarWinds") and Timothy G. Brown (collectively, "Defendants") in the above-captioned action, and submit this declaration, together with the attached exhibits, in support of Defendants' Motion for Summary Judgment and Motion to Exclude the Testimony of Mark G. Graff. The information contained in this declaration is based upon my personal knowledge and review of the documents referenced herein. If called upon as a witness, I could and would testify competently as to these facts.

3. Attached as Exhibit 1 is a true and correct copy of the SolarWinds Security Statement as it appeared throughout the relevant period spanning from October 18, 2018 through January 12, 2021.

4. Attached as Exhibit 2 is a true and correct copy of the Expert Report of Gregory Rattray, dated December 30, 2024.

5. Attached as Exhibit 3 is a true and correct copy of the Expert Report of Mark G. Graff dated October 25, 2024.

6. Attached as Exhibit 4 is a true and correct copy of the Rebuttal Expert Report of Mark G. Graff, dated January 24, 2025.

7. Attached as Exhibit 5 is a true and correct copy of a printout of the Statement of Former SEC Chair Mary Jo White titled “Statement of Nasdaq Trading Interruption,” dated August 22, 2013.

8. Attached as Exhibit 6 is a true and correct copy of a slide presentation titled “Securing Active Directory,” dated June 2, 2017, and produced with Bates number SW-SEC00262012.

9. Attached as Exhibit 7 is a true and correct copy of 5 slides excerpted from a 23-slide presentation titled “Monthly IT Leadership Meeting,” and produced with Bates number SW-SEC00259782.

10. Attached as Exhibit 8 is a true and correct copy of an email dated September 7, 2017, and attached slide presentation titled “September MSP Security Sync,” and produced with Bates number SW-SEC00337355.

11. Attached as Exhibit 9 is a true and correct copy of an email chain dated December 14, 2017, and 4 slides excerpted from an attached 26-slide presentation titled “Security 90 Day Review,” and produced with Bates number SW-SEC00262716.

12. Attached as Exhibit 10 is a true and correct copy of an email dated January 8, 2018, and 6 slides excerpted from an attached 11-slide presentation titled “User Access Management, Tool Evaluation & Recommendation,” and produced with Bates number SW-SEC00043618.

13. Attached as Exhibit 11 is a true and correct copy of an email chain dated January 30, 2018, with the subject line “SolarWinds Core-IT Security Statement,” and produced with Bates number SW-SEC00238141.

14. Attached as Exhibit 12 is a true and correct copy of an email chain dated January 30, 2018, with the subject line “SolarWinds Core-IT Security Statement,” and produced with Bates number SW-SEC-SDNY_00055079.

15. Attached as Exhibit 13 is a true and correct copy of an email dated March 16, 2018, and 2 slides excerpted from an attached 72-slide presentation titled “Major Project Portfolio, ” and produced with Bates number SW-SEC00042892.

16. Attached as Exhibit 14 is a true and correct copy of an email chain dated August 30, 2018, and 1 slide excerpted from an attached 10-slide presentation titled “BYOD Solution, Machine certificate authentication,” and produced with Bates number SW-SEC00031653.

17. Attached as Exhibit 15 is a true and correct copy of an email chain dated August 31, 2018, and 1 slide excerpted from an attached 10-slide presentation titled “BYOD Solution, Machine certificate authentication,” and produced with Bates number SW-SEC00594395.

18. Attached as Exhibit 16 is a true and correct copy of 3 slides excerpted from a 10-slide presentation titled “Information Security - Incident Review,” dated September 2018, and produced with Bates number SW-SEC00386134.

19. Attached as Exhibit 17 is a true and correct copy of an email chain dated September 20, 2018, with the subject line “Please confirm (particularly the threat modeling),” produced with Bates number SW-SEC00237608.

20. Attached as Exhibit 18 is a true and correct copy of a printout of the NASDAQ Press Release titled “NASDAQ OMX Provides Updates on Events of August 22, 2013,” dated August 29, 2013.

21. Attached as Exhibit 19 is a true and correct copy of an email dated October 29, 2018, and 5 slides excerpted from an attached 12-slide presentation titled “Information Security - Risk Review,” and produced with Bates number SW-SEC00313350.

22. Attached as Exhibit 20 is a true and correct copy of 2 slides excerpted from an 11-slide presentation titled “SolarWinds KBT Offsite,” and produced with Bates number SW-SEC00298924.

23. Attached as Exhibit 21 is a true and correct copy of an email dated February 13, 2019 and 2 slides excerpted from a 27-slide presentation, and produced with Bates number SW-SEC-SDNY_00000004.

24. Attached as Exhibit 22 is a true and correct copy of an email dated June 28, 2019 and excerpts from an attached spreadsheet titled “Fed RAMP _Security_Controls_Baseline as of 06282019,” and produced with Bates number SW-SEC00151673.

25. Attached as Exhibit 23 is a true and correct copy of 2 slides excerpted from an 18-slide presentation titled “PM Security Vulnerability & Incident Review,” dated May 14, 2020, and produced with Bates number SW-SEC00000016539.

26. Attached as Exhibit 24 is a true and correct copy of 4 slides excerpted from an 11-slide presentation titled “Security & Compliance Program Quarterly Overview,” dated August 16, 2019, and produced with Bates number SW-SEC0001497.

27. Attached as Exhibit 25 is a true and correct copy of an email dated August 28, 2019, produced with Bates number SW-SEC00045356.

28. Attached as Exhibit 26 is a true and correct copy of 2 slides excerpted from an 18-slide presentation titled “Security & Compliance Program Quarterly,” dated May 17, 2018, and produced with Bates number SW-SEC00001635.

29. Attached as Exhibit 27 is a true and correct copy of an email dated September 25, 2019, and excerpts from an attached spreadsheet titled “Fed RAMP _Security_Controls_Baseline Updated 9_12_19,” produced with Bates number SW-SEC00218068.

30. Attached as Exhibit 28 is a true and correct copy of 2 slides excerpted from a 31-slide presentation titled “Security & Compliance Program Quarterly,” dated November 15, 2019, and produced with Bates number SW-SEC00001551.

31. Attached as Exhibit 29 is a true and correct copy of an email chain dated November 18, 2019, regarding a Risk Acceptance Form, produced with Bates number SW-SEC00254254.

32. Attached as Exhibit 30 is a true and correct copy of an email dated November 19, 2019, regarding a security researcher’s report, produced with Bates number SW-SEC0001464.

33. Attached as Exhibit 31 is a true and correct copy of an email chain dated November 22, 2019, regarding a security researcher's report, produced with Bates number SW-SEC00001476.

34. Attached as Exhibit 32 is a true and correct copy of a slide presentation titled "MSP Support Security Improvement," dated November 2019, and produced with Bates number SW-SEC00631418.

35. Attached as Exhibit 33 is a true and correct copy of 3 slides excerpted from a 20-slide presentation titled "Summary of PEN Test results for MSP and Cloud performed Q2 2018," dated June 14, 2018, and produced with Bates number SW-SEC-00295588.

36. Attached as Exhibit 34 is a true and correct copy of an email chain dated January 16, 2020, with the subject line "Machine certification authentication," produced with Bates number SW-SEC00666779.

37. Attached as Exhibit 35 is a true and correct copy of 2 slides excerpted from a 38-page slide presentation titled "Security & Compliance Program Quarterly," dated February 14, 2020, and produced with Bates number SW-SEC00623600.

38. Attached as Exhibit 36 is a true and correct copy of an email dated March 2, 2020 and excerpts from an attached spreadsheet titled "FY2019 Deficiencies and Recommendations – Final," and produced with Bates number SW-SEC00388330.

39. Attached as Exhibit 37 is a true and correct copy of 3 slides of a 27-slide presentation titled "Q1 2020 Quarterly Risk Review (QRR)," dated March 3, 2020, and produced with Bates number SW-SEC00001608.

40. Attached as Exhibit 38 is a true and correct copy of 2 slides excerpted from a 6-slide presentation titled “Q2 2020 Quarterly Risk Review (QRR),” dated May 22, 2020, and produced with Bates number SW-SEC00001602.

41. Attached as Exhibit 39 is a true and correct copy of 3 slides excerpted from a 28-slide presentation titled “Q2 2020 Quarterly Risk Review (QRR),” dated May 22, 2020, and produced with Bates number SW-SEC00148267.

42. Attached as Exhibit 40 is a true and correct copy of 3 slides excerpted from a 20 slide-presentation titled “Q4 2020 Quarterly Risk Review (QRR),” dated October 27, 2020, and produced with Bates number SW-SEC00001582.

43. Attached as Exhibit 41 is a true and correct copy of an email dated April 19, 2021, and attached document titled “SolarWinds Policy Documentation Audit Report_4.12.2021,” produced with Bates number SW-SEC00185450.

44. Attached as Exhibit 42 is a true and correct copy an email chain dated April 20, 2021, with the subject line “Policy Audit against NIST 800-53,” and produced with Bates number SW-SEC-SDNY-00046821.

45. Attached as Exhibit 43 is a true and correct copy of excerpts from an spreadsheet titled “Risk_Monthly review_7.13.2020,” dated July 13, 2020 and produced with Bates numbers SW-SEC00168780.

46. Attached as Exhibit 44 is a true and correct copy of congressional testimony from Mark Graff from June 1, 2012.

47. Attached as Exhibit 45 are true and correct excerpts of the transcript of the deposition of Jason Bliss taken in this matter on October 16, 2024.

48. Attached as Exhibit 46 are true and correct excerpts of the transcript of the deposition of Tim Brown taken in this matter on October 3, 2024.

49. Attached as Exhibit 47 are true and correct excerpts of the transcript of the investigative deposition of Tim Brown taken by the SEC on March 8, 2022.

50. Attached as Exhibit 48 are true and correct excerpts of the transcript of the investigative deposition of Tim Brown taken by the SEC on March 9, 2022.

51. Attached as Exhibit 49 are true and correct excerpts of the transcript of the deposition of Brad Cline taken in this matter on October 1, 2024.

52. Attached as Exhibit 50 are true and correct excerpts of the transcript of the deposition of Mark Graff taken in this matter on February 14, 2025.

53. Attached as Exhibit 51 are true and correct excerpts of the transcript of the deposition of Matthew Hedberg taken in this matter on July 25, 2024.

54. Attached as Exhibit 52 are true and correct excerpts of the transcript of the deposition transcript of Rani Johnson taken in this matter on August 27, 2024.

55. Attached as Exhibit 53 are true and correct excerpts of the transcript of the investigative deposition of Rani Johnson taken by the SEC on March 17, 2022.

56. Attached as Exhibit 54 are true and correct excerpts of the transcript of the deposition of Eric Quitugua taken in this matter on September 17, 2024.

57. Attached as Exhibit 55 are true and correct excerpts of the transcript of the investigative deposition of Eric Quitugua taken by the SEC on September 1, 2021.

58. Attached as Exhibit 56 are true and correct excerpts of the transcript of the deposition of Kellie Pierce taken in this matter on July 24, 2024.

59. Attached as Exhibit 57 are true and correct excerpts of the transcript of the investigative deposition of Kellie Pierce taken by the SEC on October 27, 2021.

60. Attached as Exhibit 58 are true and correct excerpts of the transcript of the deposition of Brent Thill taken in this matter on August 28, 2024.


61. Attached as Exhibit 59 are true and correct excerpts of the transcript of the deposition of Joe Kim taken in this matter on September 16, 2024.

62. Attached as Exhibit 60 are true and correct excerpts of the transcript of the deposition of Steven Colquitt taken in this matter on September 18, 2024.

63. Attached as Exhibit 61 are true and correct excerpts of the transcript of the investigative deposition of Danielle Campbell taken by the SEC on October 18, 2021.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: April 25, 2025


Serrin Turner